

# APPLICATION FOR POSITION OF UNITED STATES BANKRUPTCY JUDGE

## Western District of Texas at Austin

**Instructions:** Use letter size paper in preparing application. Type each question and place your answer immediately beneath it using single-space typing. You must furnish a total of **four paper copies** of the application and writing samples. Please collate each application with the respective writing samples. All completed applications must be received by **Wednesday, February 28, 2007**.

1. Full name and social security number.
2. Office and home addresses, zip codes, telephone numbers with area codes.
3. Date and place of birth.
4. Are you a naturalized citizen? If so, give date and place of naturalization.
5. Are you related to any United States District or Circuit Judges? If so, please list name(s), office address, and telephone number with area code.
6. Family status:
  - (a) State whether you are single, married, widowed, or divorced. If married, state the date of marriage and your spouse's full name.
  - (b) If divorced, state the date, the name of the moving party, the court, and the grounds.
  - (c) Names of your children, with age, address, and present occupation of each.
7. Have you had any military service? If so, give dates, branch of service, rank, serial number, and present status. If discharged, state character of discharge.
8. List each college and law school you attended, including dates of attendance, the degree awarded and, if you left any institution without receiving a degree, the reason for leaving. Include the following:
  - (a) College - Major academic achievements and other significant activities.
  - (b) Law school - Major academic achievements and other

activities (e.g., Coif, Law Review, moot court, etc.).

9. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.
10. Describe chronologically your legal and other experience since your graduation from law school, including:
  - (a) Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk.
  - (b) Whether you practiced law alone, and if so, the addresses and the dates.
  - (c) The names and addresses of the law firms or offices, companies, governmental agencies, or other organizations with which you have been connected, and the dates and nature of your connection with each.
  - (d) Law school teaching experience, including name of law school, dates, courses, and faculty rank.
11. If you have practiced law, what was or has been the general character of your practice? Divide it into periods with dates if the character of your practice has changed over the years.
12. Describe your typical clients, or former clients, and mention the areas, if any, in which you have specialized.

**NOTE: IF YOU HAVE SERVED AS BANKRUPTCY JUDGE FOR MORE THAN FIVE YEARS, OMIT QUESTIONS 13, 14, AND 15.**

13. With respect to the last five years (or the last five years in which you practiced law):
  - (a) Did you appear in court regularly, occasionally, or not at all? If the frequency of your appearances in court has varied during this period, describe each such variance, giving the dates thereof.
  - (b) What percentage of these appearance was in:
    - 1) Federal courts.
    - 2) State courts of record.
    - 3) Other courts.
  - (c) What percentage of your litigation was:

- 1) Civil.
    - 2) Criminal.
    - 3) Bankruptcy.
  - (d) State the number of cases in trial courts of record you tried to verdict or judgment, (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
  - (e) What percentage of these trials were:
    - 1) Jury.
    - 2) Non-jury.
14. Summarize your experience in court prior to the foregoing five year period, indicating as to that period:
- (a) Whether your appearances in court were more or less frequent.
  - (b) Any significant changes in the percentages stated in your answer to question 13 (b) and (c).
  - (c) Any significant changes in the number of cases per year in courts of record you tried to verdict or judgment (rather than settled), as sole counsel, chief counsel, or associate counsel.
15. Experience in litigation.
- Describe five of the most significant litigated matters which you personally handled, in trial court, and give the citations, if the cases were reported. Give a capsule summary of the substance of each case, and a succinct statement of what you believe to be the particular significance of the case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and final disposition of the case. Also, state as to each case, the date of the litigation, the name of the court(s) and the judge(s) by whom the case was heard and decided, and the individual name, address, and telephone numbers of co-counsel for each of the other parties.
16. Have you ever held judicial office? If so, complete the following:
- (a) Give dates and details including the court involved, whether elected or appointed, periods of service, and a description of the jurisdiction of each such court with any limitations upon the jurisdiction of each court.
  - (b) Have you participated in any proceedings in which you had a stock or other financial interest in one of the parties

or in the matter in controversy? If so, give particulars.

- (c) Is there a rule or custom in your court as to judges sitting on such cases? If so, state the rule or custom and whether or not you have complied with it.
  - (d) Have you, as a judge, to the best of your knowledge and belief, complied with applicable statutes and Canons of the American Bar Association relative to such matters as were in force and applicable at the time? If not, give particulars.
  - (e) While a judge, have you ever received compensation from outside sources for services rendered (other than fees or expenses for lectures and teaching)? If so, give particulars.
  - (f) Describe five of the most significant opinions you have written or attach copies of them to your answers. Give the citations if the opinions were reported, as well as citations to any appellate review of such opinions.
17. Have you served as a United States Bankruptcy Judge within the past five years? If so, complete the remainder of this question.
- (a) Furnish the number of cases handled by you within these past five years and give a breakdown of these cases, i.e.:
    - 1) Asset cases.
    - 2) No asset cases.
    - 3) Business cases.
    - 4) Consumer cases.
    - 5) Cases under Chapter 11, 12, and 13.
  - (b) Indicate the number of adversary proceedings handled by you in the last two years.
  - (c) Describe any other matters referred to you not of a bankruptcy nature, such as SIPA or truth in lending cases.
18. Have you ever held public office (other than judicial office)? If so, give details, including the office involved, whether elected or appointed, and the length of service, giving dates.
19. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

20. Have you ever engaged in any occupation, business, or profession other than the practice of law, law teaching, or holding judicial or other public office? If so, give details, including dates.
21. Are you now an officer or director or otherwise involved in the management of any business enterprise? If so, complete the following:
  - (a) Give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the term of your service.
  - (b) Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are appointed? If not, give reasons.
22. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation of any federal law or regulation, state law or regulation, county or municipal law, regulation, or ordinance? If so, give details. Do not include traffic violations for which a fine of \$50.00 or less was imposed.
23. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If so, give particulars.
24. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, give particulars.
25. Have you ever been sued by a client? If so, give particulars.
26. Have you ever been a party or otherwise involved in any other legal proceeding? If so, give particulars. Do not list proceedings in which you were merely a *guardian ad litem* or stockholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.
27. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give particulars.
28. What is the present state of your health?

29. Have you in the past ten years (i) been hospitalized due to injury or illness or (ii) been prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days? If so, give the particulars, including the causes, dates, places of confinement, and the present status of the conditions which caused the confinement or incapacitation.
30. Do you suffer from any impairment of eyesight or hearing or any other physical handicap? If so, give details.
31. When did you have most recent general physical examination, and who was the supervising physician? Give name and full address.
32. Are you currently under treatment for an illness or physical condition? If so, give details.
33. Have you ever been treated for or had any problems with alcoholism or any related condition associated with consumption of alcoholic beverages or any other form of drug addiction or dependence? If so, give details.
34. Have you ever been treated for or suffered from any form of mental illness? If so, give details.
35. If you have any physical impairment, does it or will it prevent you from performing your duties as a United States Bankruptcy Judge, if selected?
36. Furnish three examples of legal articles, books, briefs, or other legal writings which reflect your personal work. If briefs are submitted, submit only those which were written largely or entirely by you; indicate degree to which they represent your original work.
37. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices which you have held in such groups. Also, list chairmanships of any committees in bar associations and professional societies and memberships on any committees which you believe to be of particular significance in relation to legal ability and interests and qualifications for a bankruptcy judgeship.
38. List any honors, prizes, awards, or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to previous questions.
39. State any other information which may reflect positively or adversely on you, or which you believe should be disclosed in

connection with consideration of whether you are qualified to be a bankruptcy judge.

40. State, if you wish, the names, addresses, and telephone numbers of three persons who are well acquainted with your legal ability.

*I hereby waive any privilege of confidentiality I may have concerning information which the Judicial Council of the Fifth Circuit or any member of its Merit Selection Panel may desire to obtain from any source concerning my qualification to serve as a United States Bankruptcy Judge. I specifically authorize all institutions, organizations, schools, physicians, hospitals, and individuals to make available to the Judicial Council of the Fifth Circuit or any member of its Merit Selection Panel, any information concerning me which the Council may request.*

**As a potential nominee, I personally submit this application and thereby indicate my willingness to serve as a United States Bankruptcy Judge, if selected.**

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**Signature**

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**Date**

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**Name Typed**